

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 135.105C, the Department of Public Health hereby amends Chapter 69, “Renovation, Remodeling, and Repainting—Lead Hazard Notification Process,” Iowa Administrative Code.

This chapter implements a program to require individuals who perform renovation, remodeling, or repainting of target housing for compensation to provide an approved lead hazard information pamphlet to the owner and occupant of the housing prior to commencing the work. The Department of Public Health was required to obtain authorization from the U.S. Environmental Protection Agency (EPA) for the Department’s program to require lead hazard notification prior to renovation, remodeling, or repainting of target housing. Iowa’s program was authorized by the EPA on July 13, 1999. 2009 Iowa Acts, House File 314, as passed by the 83rd General Assembly, directs the Department of Public Health to expand the requirements of this chapter to cover child-occupied facilities because this change is required by EPA.

These amendments make a number of changes to incorporate guidance issued by the Department and the federal government. In addition, the Department has made changes to its administrative enforcement procedures. The Department has added provisions to implement the mandates of 2009 Iowa Acts, House File 314. Finally, the Department has changed references to the name of the federal pamphlet from “Protect Your Family from Lead in Your Home” to “Renovate Right.” The Department has added definitions for “child-occupied facility,” “compensation,” “housing for the elderly,” and “person.”

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 2, 2009, as **ARC 8355B**. A public hearing was held on December 22, 2009. No comments were received. The noticed rules state that notification is not required for minor repair and maintenance activities that disrupt less than 0.1 square feet of painted surface. After an internal review, the Department has changed the amount of paint surface that must be disrupted before notification is required to 1.0 square feet. The Department has determined that the disruption of less than 1.0 square feet of painted surface presents a low risk of lead exposure and that notification should not be required for these activities. Additionally, the Department has changed the word “renovating” to “renovation” in certain instances to ensure consistency within the chapter.

The Department finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of these amendments should be waived and the amendments should be made effective upon filing, as they confer a benefit to regulated parties. If the amendments are made effective upon filing, the Department’s program will remain authorized by EPA. If the amendments are not made effective upon filing, EPA may revoke its authorization of the Department’s program and enforce the equivalent federal regulation in Iowa.

The State Board of Health adopted these amendments on January 13, 2010.

These amendments became effective on January 13, 2010.

These amendments are intended to implement Iowa Code section 135.105C and 2009 Iowa Acts, House File 314.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Ch 69] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 8355B**, IAB 12/2/09.

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[For replacement pages for IAC, see IAC Supplement 2/10/10.]